MSS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 976 OF 2007

IN

SUIT NO. 954 OF 1982

TEXTILE CORPORATION OF MAHARASHTRA LTD. .. PLAINTIFFS

Vs.

M/s. RATANLAL RAMPRASAD & ORS. .. DEFENDANTS

Ms. Akanksha Thakkar for plaintiffs
None for defendants

CORAM: **SMT. RANJANA DESAI, J.**

DATE: AUGUST 10, 2007.

P.C.

. This motion was on my board yesterday i.e. 9/8/07. The learned counsel for the defendants was not present. Hence I adjourned the motion to 10/8/07. Today again in the morning session the learned counsel for the defendants was not present. Hence I kept back this motion for hearing in the afternoon session. However, the learned counsel for the defendants is not present in the afternoon session also. Hence I have taken up the motion for hearing.

2. I have heard the learned advocate for the plaintiffs.

3. This notice of motion is taken out for the following reliefs:

. "(a) that Liberty may be granted to the Plaintiffs to file further Affidavit of Evidence (Secondary Evidence) of the Plaintiffs affirmed on 23.2.2007;

. (b) that the above mentioned said further Affidavit of Evidence and documents referred therein of the plaintiffs, be ordered to be taken on record of the Suit as part of the Plaintiffs' Evidence."

4. The learned counsel for the plaintiffs prays that presently she is pressing only prayer (a) i.e. to file further affidavit of evidence (Secondary Evidence) of the plaintiffs' firm affirmed on 23/2/07.

5. I have perused the affidavit of the Liaison Officer of the plaintiffs Shri Arvind Kumar Desai, which is affirmed on 23/2/07. In the affidavit it

is stated that the documents which the plaintiffs want to be taken on record are copies, the originals of which are either with the 1st defendant or misplaced or are not in direct custody of the plaintiff. It is prayed that, therefore, they may be taken on record and the plaintiffs may be allowed to lead evidence of the said documents.

6. In the circumstance, the documents which are referred to in the affidavit of the plaintiffs' Liaison Officer are taken on record. The plaintiffs are given permission to lead evidence to prove the said documents.

7. Needless to say that all objections which the defendants are legally entitled to take as regards the said documents are kept open.

8. Motion is disposed of.

JUDGE.